

PATENT

Attorney Docket No. 24016A

REMARKS

Basis for the amendments can be found on page 23, lines 20-21 of the specification. Therefore, the amendments do not introduce any new matter within the meaning of 35 U.S.C. §132. Accordingly, entry of the amendments is respectfully requested.

ELECTION

Applicants elect with traverse: Group I, drawn to methods of use. With respect to the election of species requirement, Applicants provisionally elect the following species: mammal, therapeutics and cardiovascular agent. Claims 55, 56, 65, 66, 67 and 68 read on the elected species at this time.

Should the Examiner find claim 66 unallowable, Applicants secondarily elect the species human. Claims 61-63 are readable thereon.

TRAVERSAL

Applicants respectfully traverse the Examiner's requirement for claim restriction and species election.

The Examiner has given a number of reasons for the requirement, however, at the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search all of the claims. Considering that the Examiner will most likely undertake a search for all of the generic claims in the application, searching for the remainder of the claims would be minimally burdensome on the Examiner.

Moreover, given the overlapping subject matter, examination of the claims in this application would not pose a serious burden, because the searches would be coextensive in that a search of any one of the invention Groups I and II would require searching the prior art

areas appropriate to the other invention Group.

Further, the above elected species are merely examples of a broad class of animals, regimens and actives in which the present methods of improving patient compliance may be applied. The novelty of the present invention resides in the administration of extended release compositions that form non-effervescent suspensions for improving patient compliance with the composition, including minimizing gastric discomfort, improving ingestion and palatable taste, and does not reside with the specific animal, regimen or active.

In view of the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw the requirement for claim restriction and election of species and examine all claims pending in this application.

CONCLUSION

If the Examiner has any questions or wishes to discuss this matter, he is welcomed to contact the undersigned attorney.

Respectfully submitted,

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